

## ORDER DENYING DEFENDANT KARNEY'S MOTION TO DISMISS OR FOR MORE DEFINITE STATEMENT

On this day came for consideration the Report and Recommendation of the Magistrate

Judge to deny defendant KARNEY's "FRCP 12(b)(6) Motion to Dismiss and in the Alternative

FRCP 12(e) Motion for More Definitive Statement" filed May 20, 2008 in the above-referenced and numbered cause. No objections have been filed by plaintiff or by defendants.

The Court has made an independent examination of the records in this case, including defendant's "FRCP 12(b)(6) Motion to Dismiss and in the Alternative FRCP 12(e) Motion for More Definitive Statement" and all related pleadings, and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that defendant's "FRCP 12(b)(6) Motion to Dismiss and in the Alternative FRCP 12(e) Motion for More Definitive Statement" is DENIED.

IT IS SO ORDERED.

ENTERED this day of February, 2009.

MARY LOU KOBINSON

UNITED STATES DISTRICT JUDGE